

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

RSW920030199US1

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on _____

Signature _____

Typed or printed name _____

Application Number

10/689,500

Filed

10/20/2003

First Named Inventor

WOOD, Douglas A.

Art Unit

2114

Examiner

ASSESSOR, Brian J.

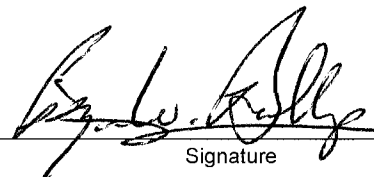
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)☒ attorney or agent of record. 39,613
Registration number _____☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____
Signature

Bryan W. Bockhop

Typed or printed name

678-919-1075

Telephone number

03/07/2007

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Wood, Douglas Serial No. 10/689,500 Filed: 10/20/2003 For: “SYSTEM AND METHOD FOR ROOT CAUSE LINKING OF TROUBLE TICKETS”	Group Art Unit: 2114 Examiner: ASSESSOR, Brian J. Customer Number: 25854 Confirmation Number: 4256
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REASONS IN SUPPORT OF PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
Mail Stop Amendment
P.O. Box 1450
Alexandria, VA 22313-1450

March 7, 2007

Sir,

Concurrently with this paper, Applicant in the above-styled matter has filed a Notice of Appeal (PTO/SB/31) and a Pre-Appeal Brief Request for Review (PTO/SB/33). The following sets forth the reasons why Applicant believes that the Appeal should be granted.

The Present Application

The present application claims a system that associates a system incident report with a user incident report *based on a correlation of symptoms* in each report, rather than the time at which the two reports are received. When an asset failure is detected, the system activates a symptom (or symptoms) known to be associated with the failure of the asset and includes the activated symptoms in the system incident report. When a user incident report is received, it is correlated to a given system incident report *based on common symptoms*. This symptom correlation of reports improves the chances that the detected symptoms are correlated with a root cause failure of an asset, rather than a failure of a subsequently failing asset. Given that complex computational systems often experience many levels of subsequent asset failures after a root cause failure, the system recited in the claims improves the chances of discovering a root cause failure early.

The present invention activates symptoms relating to asset failures when the asset failures occur. The invention receives user incident reports (which could be generated well after the asset failure) independently of the asset failures. Correlation of an asset failure to a user incident report is based on the symptoms in the user incident report that have previously been activated (rather than according to when the reports are received). Because the technician is provided with an indication of suspect aspects based on a list of symptoms that are activated when asset failures are detected that are correlated with the symptoms that are experienced by the user, thereby providing the technician with a better indication of which asset is the likely root cause of the failure.

The Final Office Action

The final Office Action rejected all of the claims under 35 U.S.C. § 103(a), as being unpatentable over Douik (6,012,152) in view of Hiliger (5,127,012).

The Action asserted that Douik discloses that the incident tracking application is “configured to associate a user incident report with a system incident report when the user incident report includes *a user-observed symptom that corresponds to one of the set of activated symptoms.*” However, this limitation is completely absent from both Douik and Hiliger.

Douik, discloses a system that correlates alarms and network user-originated trouble reports using a *time* correlation (rather than a common symptom correlation). [Douik, column 15, line 18] Once the time correlation of reports has occurred, then a correlation agent produces “a minimal set of suspect components” (presumably based on the detected symptoms) [Douik, column 15, lines 20-23] Thus, the system in Douik correlates alarms and user reports based on the time at which they were generated, *not based on common symptoms.* There is no disclosure

in Douik of any system that correlates user incident reports to system incident reports based on common symptoms.

Because of this, the system in Douik would not be effective in troubleshooting an asset failure in a complex computational system. This is because the failure of an asset that is the root cause of a symptom might be masked by the subsequent failure of another asset and it could be that the subsequent failure occurs at the same time that the user notices the symptom. Thus, a time-correlated system (such as the one disclosed in Douik) might match a user incident report to a subsequent failure of an asset that is not the root cause of the symptom being reported and that might not even be related to the root cause.

The addition of Hiliger still does not teach or suggest this limitation. Hiliger discloses a diagnostic system in which “a repair person is presented with a list of observable symptoms for each of which there is a known cause or causes.” [Hiliger, column 3, lines 11-13] Then “the repair person selects the symptom from the list which best describes the situation.” [Hiliger, column 3, lines 22-23] Given that the system in Hiliger merely presents the repair person with a general list of symptoms from which the repair person selects the applicable symptom, there is no disclosure in Hiliger of activating symptoms as asset failures are detected and then correlating the activated symptoms with detected symptoms in user incident reports.

Thus, the limitation of associating “a user incident report with a system incident report when the user incident report includes a user-observed symptom that corresponds to one of the set of activated symptoms” is completely absent from both Douik and Hiliger. Therefore, the invention would not have been obvious at the time the invention was made over these references.

Because neither of the cited references disclose a system correlates user incident reports with a system incident reports *based on common symptoms*, Applicant believes that the Office

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Paper dated 03/07/2007
Regarding Office action of 12/07/2006
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has failed to make a *prima facie* case of obviousness and, therefore, the claims of the present application should be allowed without forcing the Office to incur the added cost of hearing an appeal and without forcing Applicant to incur the added cost of drafting an Appeal Brief.

No addition fees are believed due. However, the Commissioner is hereby authorized to charge any additional fees that may be required, including any necessary extensions of time, which are hereby requested, to Deposit Account No. 09-0461.

03/07/2007

Date



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